

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – *Amended*
June 18, 2015

Members Present

Bryan Provencal, Chairman
Bill O'Brien, Vice Chairman
Norma Collins, Clerk
Tom McGuirk
Ed St. Pierre

Others Present

Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

Chairman Provencal said there was a request to allow Petition 23-15, 23 Falcone Circle, to be continued next month.

Moved by Mr. O'Brien, seconded by Ms. Collins, to continue Petition 23-15, 23 Falcon Circle, next month.

Vote: 5 yes, 0 no. Motion passed unanimously.

24-15...The petition of Kent F. & Mary E. Christison for property located at 44 Dumas Ave. seeking relief from Article 1.3 and 4.5.1, 4.5.2, 4.5.3 to remodel the existing home by adding third floor living space, a two and one half foot bump out on the driveway side, as well as various interior changes. This property is located on Map 267, Lot 34 and in the RA Zone.

Kent Christison, Petitioner, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said the intent is to modernize an old building. This is one of the oldest buildings at Boars Head. The living area is presently very small. The lot is only 3/100 of an acre. The applicants will stay within the height limitation. The footprint will remain the same with the exception of the bump out. Attorney Saari said Mr. Christison has reached out to his neighbors and they support the project. This is a reasonable request. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre said the bump out affects the parking space. It is 1.3 feet short of a legal space. Attorney Saari said the dimension from the steps to the property line is 8.9 feet. Mr.

O'Brien said the plan does not show this and a waiver for parking is needed. Chairman Provencal noted that they are improving a non-conforming use.

Mr. St. Pierre asked what the importance of the bump out is. Attorney Saari said right now that area is not usable and the bump out would create more space. Mr. Christison said their intent is that the parking space would be a back-in space.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Collins asked about the dimensions of the first floor. Mr. Christison said it is 24' X 23'.

Mr. McGuirk said the spirit is to make the conditions better; but that the bump-out needs to be reduced to accommodate a 9' x 18' parking space.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 24-15 with the condition that the parking space is 9' X 18'.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

25-15...The petition of Lance E. & Patricia S. Cramer and Kanwarjit S. & Surinderpal K. Sidhu for property located at 958 Ocean Blvd., Unit #2 seeking relief from Article 1.3 and 4.5.2 to add a second floor to an existing dwelling, one side of which would be approximately in line with the side of that dwelling which encroaches into the side setback. This property is located on Map 152, Lot 24-2 and in the RA Zone.

Lance and Patricia Cramer, Petitioners, and Attorney Peter Saari came forward. Attorney Saari said this is a small older home. It is owned in common by two owners. It is only 733 square feet. No surrounding property would be adversely affected by this project. With all improvements they will still be at 28% impervious surface where 60% is allowed. This project will require a wetlands permit. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien noted that the deck is being expanded into the 50-foot buffer. Mr. Cramer said that is correct and this is allowed. Planning Board approval will be needed. Mr. O'Brien

asked what the position of the Conservation Commission would be. Mr. Cramer replied that you can do this with accessory structures.

Comments from the Audience

Ken Tomacio said he lives across the street and this will take away his view. Chairman Provencal said petitioners are within the height limit.

Back to the Board

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 25-15 with the condition that approval is obtained from the Conservation Commission.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

At this time it was decided to move Petition 26-15 to last on the Agenda.

Moved by Mr. O'Brien, seconded by Ms. Collins, to move Petition 26-15 to last on the Agenda.

Vote: 5 yes, 0 no. Motion passed unanimously.

27-15...The petition of Charles Dean for property located at 51 Ocean Drive seeking relief from Article 1.3 and 4.5.2 to add a gable roof to current existing structure. This property is located on Map 265, Lot 44 and in the RCS Zone.

Henry Boyd, Millennium Engineering, came forward. He said this structure is in dire need of repair. The only thing the petitioners are doing is taking down the flat unsuitable roof and adding a gable roof. This proposal actually increases setbacks. This project will increase the property value and fit in well with the neighborhood. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre noted that the front setback is now non-compliant and this project will make it compliant.

Mr. O'Brien asked what the height of the roof would be. Mr. Boyd said it will be 24 feet which is well under the 35 foot limit.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to grant Petition 27-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

28-15... The petition of Thomas L. Morgenstern for property located at 18-20 Cutler Ave. seeking Special Exception from Article 4, 4.7. This property is located on Map 305, Lot 50 and in the RA Zone.

Mr. Thomas Morgenstern came forward.

Chairman Provencal said petitioner should be asking for a variance, not an exception because the Board does not oversee exceptions. Mr. O'Brien said this cannot be heard except for a variance. Also this was noticed incorrectly.

Moved by Mr. McGuirk, seconded by Mr. St. Pierre, to allow Petition 28-15 to be withdrawn without prejudice.

Vote: 5 yes, 0 no. Motion passed unanimously.

Mr. O'Brien said that the petitioner for Petition 27-15 needs to be notified that their petition was incorrectly notified. The zoning was incorrect.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, that Petitioner for Petition 27-15 be notified that their petition was incorrectly advertised and needs to be renoticed at the expense of the Town.

Vote: 5 yes, 0 no. Motion passed unanimously.

29-15... The petition of Michael Gallahue for property located at 25 Harris Ave. seeking relief from Article 1.3 and 4.5.2 for proposed landing and stairs for second means of egress to second floor apartment. This property is located on Map 295, Lot 54 and in the RB Zone.

Michael Gallahue came forward. He said the proposed landing and stairs will promote safety. Every apartment should have a second egress. Mr. Gallahue went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins asked if the condos to the north had been notified. Mr. Gallahue said they had.

Mr. St. Pierre asked if there was a good reason why this proposed second egress is on the left side of the lot. Mr. Gallahue said it would take away parking if it was on the other side.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 29-15.
Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

26-15...The petition of 230 Exeter Road, LLC for property located at 230 Exeter Road seeking relief from Article 2.3.7(c), 3.8 and 8.2.3 to subdivide a 13.66 (plus or minus) acre parcel of land to be able to convey a 12.60 acre portion to the Town and retain the remainder to construct 3 single-family residences in condominium form of ownership requiring relief from use, multi-family setbacks and wetland conservation area requirements. This property is located on Map 68, Lot 7-2 and in the RA/G Zone.

Peter Ross, one of the principals of the LLC, Joe Coronati, Jones & Beach, and Attorney Peter Saari came forward.

Attorney Saari said this is a large piece of land – 13.5 acres. The most profitable thing to do with this property would be to put 8-10 condos here. This could be done without any variances. Mr. Ross would prefer to build the three residences and give a large amount of land to the Town. This is ideal for storm water management.

Mr. Coronati said this is a mix of equal parts uplands and wetlands. Abutters would not have to worry about development behind their houses because of the land that would belong to the Town. Mr. Coronati said they have gone to the Conservation Commission and presented a letter from them. They were in favor of trying to maintain as much open land

as possible. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if there were any other multi-families or condos in this area. Attorney Saari replied that there are five two-families, 4 three-families and one multi-family.

Mr. St. Pierre asked if the State could eventually develop the open space. Chairman Provencal said if it goes to the Town, they can decide. Mr. Ross said this project would kill the possibility of the courthouse being built here.

Ms. Collins asked why these would be condos instead of three single-family homes. Attorney Saari said it was because of frontage.

Comments from the Audience

Seth McNally, 226 Exeter Road, said an almost identical plan was brought up in 2012 and did not pass. Mr. McNally said he had looked forward to a single family home being built on that land. Three properties squeezed together is not a good thing. Mr. McNally said he would like to see a traffic study done. This will decrease the value of the other homes in the area.

Chairman Provencal noted that this is actually a choice between nine condo units or three in the front.

Corinne Baker, 244 Exeter Road, said condos do not belong on this land. Ms. Baker said she opposes this project. Also, there has never been a public hearing on this.

Jean Mahon, 27 Langdale, said she is opposed to the project and she does not believe the five criteria have been met.

John McLafflan, Exeter Road, said he feels this project will bring down the value of his home.

Ted Lambert, 29 Langdale, said his concerns are the wetlands and property values.

Justin Wilcox, 15 Langdale, said he opposes both the three condo and the nine condo scenarios.

Darcy Wilcox, 15 langdale, said the five criteria have not been met. It is honorable to leave land to the Town, but only one house should be built.

Back to the Board

Chairman Provencal said he thought this project is better than one with nine condos.

Mr. O'Brien said this is spot zoning. This is taking an RA Zone and turning it into an RB Zone. Mr. O'Brien said he would rather see a single family home there and he cannot support this project.

Chairman Provencal said he agreed with Mr. O'Brien. There is too much opposition from the neighbors. However, he said he does believe this is a better project than nine condos which will probably come in there.

Mr. St. Pierre said he is very hesitant about introducing condos or multi-family homes into this area. He said on the other hand, if some bargain could have come from this meeting, there is a lot of good in having all the open land. Mr. St. Pierre said he could not support this project.

Ms. Collins said the conservation land would be a big benefit, but these abutters bought RA property and this project is not fair to them.

Moved by Mr. McGuirk, seconded by Ms. Collins, to allow Petition 26-15 to be withdrawn without prejudice.

Vote: 5 yes, 0 no. Motion passed unanimously

BUSINESS SESSION

Approval of Minutes

Moved by Mr. McGuirk, seconded by Mr. St. Pierre, to approve the Minutes of May 21, 2015 as amended.

Vote: 5 yes, 0 no. Motion passed unanimously.

Adjournment

Moved by Ms. Collins, seconded by Mr. St. Pierre, to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Joan Rice
Secretary